THE WEATHER
Today—Fair.
Tomorrow—Fair.

THE DAILY MISSOULIAN

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BROWN'S FATE IN JURY'S HANDS

MURDER CASE GOES TO TWELVE MEN AT 3 O'CLOCK IN THE AFTERNOON.

NO VERDICT IS IN SIGHT

At 3 o'Clock This Morning No Report Has Been Made and Decision Will Not Be Made Known Until Court Convenes Today or Perhaps Later Yet—Final Arguments Are Made.

For a stretch of 12 hours the jury in the case of Joseph Brown, who is charged with the murder of Robert Gilruth, has been confined in the county court house, evidently unable to agree on a verdict. At 3 o'clock yesterday afternoon the final arguments in the case were completed by County Attorney Mulroney and Charles H. Hall, counsel for the defendant, and at 3 o'clock this morning nothing had come from the jury room. As 3 o'clock was the time limit set by Judge Webster for receiving a verdict during the night, the fate of Brown will not be known until court convenes this morning—perhaps not then, for the consideration of the case by the jury may take many hours.

Court opened in the morning with the appeals of the counsel to the jury. The evidence was all presented Thursday and the witnesses had been discharged at the close of the session with the understanding that the direct appeal of the lawyers to the jury should begin as soon as court opened.

Attorney Mulroney spoke first, giving in every detail the evidence which he had introduced during the trial to bring out his case and detailing step by step the various points he had introduced to convict the prisoner. He compared in a graphic manner the story of Brown with that of John Gilruth; he told the jury to notice and remember for themselves the way in which the two men had told their stories and to judge as to which had been the most clearly and creditably told. He pointed out flaws in Brown's testimony, which, he argued, showed that the story was false, and reviewed the past life of the defendant in an effort to show what might be expected from him in the way of testimony.

Earnest Appeal.

In closing he pictured the events of the day, the purposes of Brown, worked upon the sympathies of the jury by pointing out to them the widow and orphans of the dead man and asking them to remember that it was the prisoner who had robbed them of their father and husband. "Remember," he said, "that a man is dead, that he was robbed of his life by the wretch who sits before you, remember that it was he who made this poor woman a widow and her children orphans, and remember your oaths, your duty and your consciences. Every bit of evidence cries out as to the guilt of this man, your own hearts, your consciences and the conscience of the prisoner proclaim his guilt, and all of his testimony, his demeanor while on the stand, his shifty eyes and his uncreditable story show over and over again that he is guilty. All I ask of you is a fair consideration of the question, which I know you will give, and I am certain that if you give the case the proper consideration that there can be but one verdict."

Mr. Hall then presented the final plea for the defendant. With care and skill he reviewed the evidence. He showed how Brown had gone out on an honest errand and how he had been accosted by Gilruth and his brother with malicious intent, how he had not fired until he was on his knees, cut and bleeding and with two men, fully armed, attacking him, and how as soon as he was able to get away he had run to Lolo telephoning to the proper authorities. He urged the jury to read the instructions of the court and give them their full consideration. "And," he cried, "be careful that you do not let the eloquence of the county attorney play upon your passions, do not let the sight of the weeping widow and her children work upon your sense of chivalry and turn you away from justice. I sympathize with her in her bereavement and I believe that you should do so, but I also believe that Robert Gilruth brought this trouble onto his dear ones through his own rashness. Remember that you have a power which kings do not have. You have in your hands the future life of this man and for your own sakes and the sake of justice be careful what you do with it. Be sure that you have done the right thing before you act; think of the long sleepless nights when you will be alone and see to it now that you will not be tortured by the thought that you have wronged an innocent man.

"Read the evidence and the instructions and, unless you are certain you can arrive at the point where you have an abiding conviction—to a moral certainty and beyond a reasonable doubt—that this man is guilty of everything with which he is charged, do as your duty tells you and return him innocent. All I ask is that you give the case a fair and impartial trial and I know that if you do so that there can be but one verdict."

Mr. Mulroney then gave the final rebuttal for the state. He said: "Remember the character of the man who committed the dastardly deed, remember the widow and the children and give him such a sentence that other men who have an impulse to do murder may think of it and stay their hand." The jury was then instructed by the judge and sent to the jury room, retiring at 3 o'clock.

FREDERICK LE BEAU.

FEARLESSLY MEETS DEATH ON GALLOWS

With Steady Step and Nonchalant Air, Frederick LeBeau, Convicted of Murdering the Yoakums, Walks Upon the Death Trap Alone, Speaks a Few Boasting Words, Declares He Is Not a Murderer, Helps Adjust the Noose About His Neck and Dies Without a Quiver.

Special to The Daily Missoulian.

Kalispell, April 2.—Without apparent fear of the death that awaited him, with a steady step and a nonchalant air, Frederick LeBeau walked upon the gallows this morning, spoke a few boastful words to the spectators, examined the rope, helped adjust the black cap and noose, then calmly waited for Sheriff O'Connell to pull the lever that sent him into eternity in explation of the crime of murdering the Yoakums, father and son.

Standing upon the gallows the condemned man surveyed the curious crowd gathered about and reiterated his boast often made in his cell, that they would see one of the greatest hangings they had ever witnessed. With the assertion on his lips that he was not a murderer, he met death without a quiver. Probably 300 persons witnessed the execution.

Last night, the last for Frederick LeBeau, he found it rather difficult to sleep. After attempting to doze for a couple of hours, he arose and chattered in disconnected sentences for an hour or more with the guard, and then he wrote out his will and had it sent to Senator Long, to whom, he stated, he was leaving everything. After completing the will the prisoner continued to work on the manuscript that he had been preparing for several days, having maintained for weeks that he would write a great deal of history about himself that heretofore has been kept a secret, and which would, after ferreted out, mean a great deal to the defending attorney, and would in a great measure atone for his last misdeed. As he wrote he repeatedly eulogized his defender, as he termed the senator, and was frequently heard to ask how to spell dying and funeral.

Finally Dozes.

It was after 1 o'clock before he dozed off. The day must have been a very hard one, probably 300 or 400 persons visiting and talking with him. When Father O'Farrell arrived at 5:15 he awoke and spent some time consulting with the priest. Senator Long came and stayed with his client to the end, cheering him and answering his every question. At 7 o'clock the death warrant was taken into the corridor by Sheriff O'Connell, attended by Dr. Campbell and Death Watch Hennings. Seeing the document in the sheriff's hands LeBeau's face glowed. He grasped the steel bars and exclaimed, "Is it time, Billie? That's mine, Mr. O'Connell, bring it in; that's mine, bring it in."

Not a Murderer.

Dr. Campbell was carrying the strap which LaBeau had asked for, and the condemned man, slipping it around his waist, repeatedly declared that he was not a murderer. When the prisoner was quieted by the sheriff the latter began to read the death warrant. LeBeau begged like a child not to hear the word murderer. As the sheriff read on and passed the word, LeBeau jumped on the bed, covered his face and ears with a towel; he then jumped up and nervously tugged at his shoestrings; not being able to untie either, he jerked them to pieces and loosened his shoes; then, feigning that he was sick, he ran out of the little cell into the corridor. As the sheriff paused in his reading LeBeau turned to greet him. A smile was on his face, he thinking that all had been read. As the sheriff began another page he jumped behind the latter and exclaimed, "Lord, God, I'm not a murderer."

Again and again he asked the sheriff to stop, declaring that he had enough. When the reading ended he reached through the bars and shook hands with Mr. Long. Then, refusing to be escorted, he walked steadily out and down stairs, stopping at the window and the outer steps to view the large number of spectators that had filled the enclosure about the scaffold. Arriving at the bottom of the stairway he ran half way up, then stopped and kicked off his shoes, then jauntily went on to the top, examined the trap, spoke to the crowd, telling them that this was going to be the greatest hanging they had ever heard of, again proclaiming that he was not a murderer.

One Man Faints.

Pete Disbrow fainted in the audience and had to be carried out. Senator Long responded to LeBeau's last call and shook hands with him, bidding him good-bye. As the black cap was adjusted and the rope placed around his neck he insisted on having it tighter. With a wave of the hand Sheriff O'Connell grasped the lever that sent LeBeau into eternity. After all was over it was learned that he had torn up the manuscript that he had worked so constantly upon, having destroyed it just after awakening this morning. He gave as his reason for destroying it that he was afraid that they would trace his relatives and cast a disgrace upon them. About 300 persons witnessed the execution, half as many having waited a couple of hours for the gates to open.

Voluntary offerings by visitors who called up LeBeau prior to his execution amounted to enough to enable the condemned man to buy himself a suit of clothes in which to be buried. He objected to being buried in prison garb.

According to his own story, LeBeau was born 43 years ago in Montreal, Canada. His mother's name, he says, before she was married, was McMillon; that she was of Scotch, and that his father was of French descent. His father died when he was but a mere lad of 11 years, and, although he has not heard from his mother since a short time thereafter, he is of the opinion that she has remarried, and does not know whether she is now living or not. In lauding terms and with an evident sense of shame he mentions his sister frequently, and states that should he wish he could communicate with her on very short notice, and had not the least doubt that were his or her identity disclosed and their relationship proven he would never meet his death on the gallows.

He says he has worked as a steamboat man, worked on railroads and followed logging for many years in Michigan, Wisconsin and western states, and has always been a top-notcher in the latter business. That in many different places he has assumed different names, all of which he had good reason for doing, and that LeBeau, while not his true name, is the name that he has favored for nearly 20 years.

Speaking of the murder at Fortine of the Yoakums on June 19 of last he says it was due to his weak mind and his submission to the murderous will of Joseph Hobbins, his youthful companion that is now serving a life sentence in the state penitentiary for complicity in the same crime.

Meets Hobbins.

LeBeau and Hobbins met each other at Whitefish on June 13 on the depot platform, and both were broke. A pal of Hobbins' came along. They proposed several easy money schemes, but the third man was "yellow." The third man had swiped a couple of wheels and was going to sell them, and they were going to get out of town and look for greener fields. The trio planned to "boxcar" out that evening. LaBeau and Hobbins got out but "Willie," the pal, didn't come through. A couple of days' later they met the latter at or near Rexford. He had sold the wheels and was taking on a spree. He didn't look good to them, so they took him down to the railroad track and tied him hand and foot and attached a weight to his legs and threw him into the river. The water was not more than waist deep, and the weight came loose and the lad scrambled to the bank, where he was released and given a lecture and told to start for Canada and "mum's the word," which he did, and has never been heard from since.

It was on the morning of the 18th that they were walking between Eureka and Fortine, and they met a section hand who asked them to ride.

(Continued on Page Four.)

HAYES HANGED IN PRISON YARD

HANGMAN BUNGLES HIS WORK AND WEIGHT FAILS TO BREAK NECK OF PRISONER.

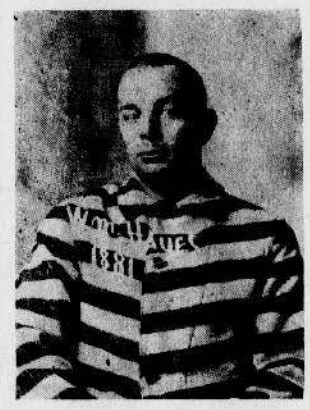
CONDEMNED MAN NERVY

Man Convicted of Being an Accessory to the Murder of Guard John Robinson, Last Year, Pays Penalty for His Crime by Forfeiting His Life on Gallows—Makes No Statement.

Butte, April 2.—William A. Hayes, accessory to the murder of Guard John Robinson at the state penitentiary, March 8, 1908, was executed at the prison this morning at 8 o'clock. The hangman bungled miserably. Hayes' neck was not broken by the fall, and he hung for eight minutes slowly strangling to death, in the presence of a large crowd of invited guests.

Wardens McTague and Conley made Hayes' last hours as pleasant as possible, and his smallest wish was granted. Tom McTague visited the condemned man yesterday and when he made a request for fruit McTague went down town and purchased the best the market afforded.

McTague made a last request of Hayes. He asked him if anyone bu



WILLIAM A. HAYES.

himself, Rock, Stevens and Young were implicated in the attempt to break out of prison, and Hayes replied:

"Before my God, I give you my word that no one else was in on the plot. There have been a number of stories told implicating others, but they are all false. We four alone were in it."

By a strange irony of fate the room in which Father Landy said mass this morning was the one in which the struggle commenced that cost Hayes and Rock their lives. The death warrant was also read in this room and the march to the scaffold began here. The condemned man never lost his nerve, and from the time he stepped on the gallows until he was jerked into the air to be strangled to death he remained calm and bravely faced death.

He told Sheriff J. E. Neville that he did not care to make a statement, and after the noose had been adjusted under his left ear the signal to drop the weight was immediately given. The physicians pronounced him dead 10 minutes later and after he had been cut down they examined him and stated that his neck was not broken. He was buried in the prison yard, as his relatives are unknown.

Convict William Hayes, who expiated his crime on the gallows at Deer Lodge today, was convicted of complicity in the murder of Deputy Warden John A. Robinson at the state penitentiary on March 8, 1908, when he, with three other convicts, made a desperate attempt to escape from the prison. Warden Frank Conley was wounded in the affray. None of the convicts escaped, and later all were tried for the murder of Robinson. Convict George Rock was convicted and sentenced to be hanged, and he answered for the crime several months ago. Convict Stevens was convicted and sentenced to serve a life term, while Convict Young was acquitted of complicity in the conspiracy. J. E. Neville, sheriff of Powell county, superintended the hanging of Hayes.

DEMURRAGE RULES WILL BE DRAFTED

Washington, April 2.—A conference between the leading railroad authorities on the question of car service and car demurrage and the representatives of the interstate commerce commission and the state railroad commission was begun today at the office of the interstate commerce commission. The conference was called by Commissioner Lane of the interstate commerce commission. Mr. Lane said the conference was for the purpose of drafting a practicable and just set of rules.

PASSES THIRD READING.

Berlin, April 2.—The entire budget passed its third reading in the reichstag today, after which the house adjourned until April 20. Throughout the past week the reichstag has sat for 12 hours a day.

SHERIFF WILLIAM H. O'CONNELL.

GOMPERS CHAMPIONS THE BOYCOTT

PRESIDENT OF AMERICAN FEDERATION OF LABOR DEFENDS RADICAL METHOD.

New York, April 2.—President Gompers of the American Federation of Labor defended the use of the boycott today before the New York council of the National Civic federation. Addresses by Professor Frederick J. Stimson of Harvard and Professor John Bates Clark of Columbia stirred him to speak.

Professor Stimson referred to the recent proceedings against Mr. Gompers and others in Washington.

"A blacklist is unlawful," he said, "but a 'white list,' which commends, is lawful. In the Gompers case there was a proved combination by a number of persons to influence the public not to trade with a stove company. If this announcement regarding the stove company had been printed once it would be fair to assume it a matter of news, but printed in every number for years with the announced intention of doing so in all newspapers possible, for the purpose of coercing the stove company, most jurymen would decide that those facts showed a primary intention to molest the stove company."

Mr. Gompers said in reply:

"I am not a lawyer, and the quibblings of the lawyers as to the legality or illegality of certain acts by the labor organizations is not for me to deal with. But as to what is fundamentally right I think I am qualified to speak. If the laws do not properly safeguard the fundamental rights of the laborer, then they should be changed. I know that labor has the right to organize to protect what it possesses, which is the power to work and to give or refuse its patronage."

OFFICER HAS TUSSLE WITH AN INSANE MAN

Special to The Daily Missoulian.

Thompson Falls, April 2.—James Connors, a man about 30 years old, was taken in custody by Deputy Sheriff Fred Tissue at Trout Creek last night while in a mentally deranged condition.

He was walking rapidly two and fro on the depot platform at Trout Creek when suspicion as to his sanity was aroused. In attempting to subdue him he gave the officer quite a tussle, and kept him busy guarding him all night. When the officer attempted to carry him from the depot to the county jail after the arrival of No. 4 this morning, though handcuffed and shackled, he fought desperately and the combined efforts of six strong men were required to keep him on the stretcher.

The man is believed to have become mentally unbalanced from excessive drinking and is presumed to be the same person who jumped from No. 15 yesterday between White Pine and Trout Creek while the train was running at a speed of 60 miles an hour. He was possessed of a ticket from Missoula to Spokane, dated at Missoula yesterday.

RIOTS IN CAIRO.

Cairo, April 2.—The new press law promulgated last week, which provides penalties for the spreading of false news or for incitement against public order, was followed yesterday by riotous demonstrations in the streets of Cairo by a large body of students. Lancers and mounted policemen had to be called out to disperse the mob, which numbered several thousand persons. The troops charged several times. Fire hose had finally to be brought into play to rout the demonstrants. Further trouble is feared.

CLUB ENTERTAINED BY HAMMOND

SECRETARY OF THE LEAGUE OF REPUBLICAN CLUBS GIVES ELABORATE BANQUET.

New York, April 2.—John Hays Hammond, secretary of the League of Republican clubs, gave a dinner tonight at the Waldorf Astoria in honor of the Rocky Mountain club, of which he is president. One hundred and fifty members of the club were present and listened to some interesting speeches.

Senator Francis G. Newlands of Nevada, in discussing the energy of the American people, said that energy should be applied to regulating the government instead of concentrating it all upon the railroads.

"The public should own its own railroads and electric roads," he said, "as the people years ago owned the public highways. We can start great public works because we have a greater credit than any private concern in the world can ever have. The great leaders of the railroads in the industrial world must realize that in the future they cannot dominate as they have in the past. The people will demand obdience from their public servants. The country is determined and will move on relentlessly. I trust the wisdom of our controlling men will realize this and avoid a needless struggle."

William R. Hearst said it should be the highest purpose of the Rocky Mountain club not only to promote the interests of that western section, but also to advance the best interests of the nation.

"We of the west," he remarked, "can appreciate the greatness of New York as well as the oldest New Yorker can, but we appreciate the greatness of the country a great deal better. Every other part of the country appears to the New Yorkers as a sort of suburb. We know that the plug hat of Fifth avenue and the sombrero of the plains cover the same Americans. All America is good and all Americans, too."

Paul Morton and Senators Heyburn and Nixon spoke in a humorous vein.

DECLINES THE OFFER.

Washington, April 2.—Official confirmation was given at the state department today of the announcement made yesterday that Dr. Charles W. Eliot, the retired president of Harvard university, had definitely declined the ambassadorship to Great Britain.

SCARLET FEVER APPEARS.

Washington, April 2.—An epidemic of scarlet fever has broken out among the crew of the battleship Missouri, now at the Charleston navy yard, Boston, according to information received at the navy department today. Eight cases are reported.

THE MESSER SAW MILL IS BURNED TO GROUND

Special to The Daily Missoulian.

Thompson Falls, April 2.—Fire on Wednesday night destroyed the sawmill of Sam Messer, near Trout Creek, entailing a loss of about $1,000. Mr. Messer carried no insurance. The fire was of accidental origin, supposedly becoming ignited by a spark from the slab burner. The sawmill machinery and building were totally destroyed, but the engine and boiler are believed to be but slightly damaged. The bunk house, in which the mill operatives were housed, was also threatened with its sleeping occupants, and, but for the men awakening just in time, it, too, would have been consumed.

The fire happened about 2 o'clock Thursday morning. Mr. Messer, who came up yesterday, said he was undecided as to rebuilding the mill. The sawed lumber, aside from 50 ties, were saved.

"BLACK HAND" CHIEFTAIN CAUGHT

ALLEGED LEADER OF BLACKMAILING BAND IN CHICAGO IS IN THE TOILS.

IS CAPTURED RED HANDED

Detectives Sweep Down Upon Italian in Doctor's Office, Where He Had Gone to Demand Payment of Three Thousand Dollars Under Pain of Death—Physician Lays a Trap.

Chicago, April 2.—Vincenzo Geraci, who is said by the police to be the leader of the Chicago Black Hand society, was arrested here today in the office of Dr. Peter Cutrera, from whom the Italian had demanded $3,000 on pain of death.

Geraci, it is said, has given evidence concerning his associates in the plot and the police expect soon to arrest several more members of the band.

Today the physician received a telephone message from a man who said he was one of those who had written a letter which the physician had not answered.

"Unless you pay us the money you will be killed within an hour," said the man.

Dr. Cutrera invited the man to his office. He prepared a dummy package of money and sent for the police. Detectives came at once and were concealed in an adjoining room. Just as the physician was handing the package over the detectives leaped upon the blackmailer. He fought hard before being overcome.

RECEIVES AERONAUT.

Rome, April 2.—King Victor Emmanuel received Wilbur Wright, the American aeroplanist, in private audience today. His majesty showed his intense interest in the subject of aerial navigation and said he was glad Italy was among the first countries to greet the American inventor. Mr. Wright expressed a desire to charge a fee to witness the flights he is to make near Rome, the proceeds to go to the benefit of the earthquake sufferers.

ROAD IS OPENED.

Norfolk, Va., April 2.—The opening of the Virginian railway, extending from Sewell's Point, Norfolk, to Deep Water, W. Va., on the Kanawha river, a distance of 465 miles, took place today with an elaborate celebration here, made notable by the presence of H. H. Rogers, who personally built the Virginian at a cost of about $40,000,000. Samuel Clemens (Mark Twain) and several New York financiers interested with Mr. Rogers in the undertaking.

TESTIMONY IS TAKEN IN RAILROAD CASE

New York, April 2.—A jury in the United States against the Southern Pacific Railway company before Special Examiner Doyle, in which the government is taking evidence to be offered in a case brought to set aside patents granted to the railroad company, embracing the Olinghouse and White Horse mining districts, on the ground that the patents were alleged to be for non-mineral-bearing ground, was opened again this morning. Testimony was offered to show the land was mineral land.

DEMOCRATS PRESENT.

Washington, April 2.—As a rsult of yesterday's discussion in the senate there was a meeting of the committee on finance today, at which the democratic members were present. The meeting was amicable in character. After adjournment it was stated that the committee would commence the collection of information. No formal action was taken on the Bacon resolution today.

SUFFERS NO STROKE.

Biarittz, April 2.—There is no truth in the report published in Germany that King Edward has suffered a stroke of apoplexy. His majesty, who is in excellent health, left here this morning to witness the Basque fetes at Sare, which were organized in his honor. The king went to Sare in an automobile. Previous to going to Sare the king walked on the beach here.

WILL BUY EQUIPMENT.

Baltimore, April 2.—It is understood today that the management of the Baltimore & Ohio railroad is figuring on buying an immense amount of equipment, expenditures on this account being estimated at as high as $10,000,000. Tentative plans have been prepared which call for 6,000 to 10,000 steel freight cars of various types, and a large number of heavy locomotives.

GETS BIG DAMAGES.

Special to The Daily Missoulian.

Helena, April 2.—James C. Altimus of Livingston was today awarded by a jury in the federal court $5,000 as personal damages in his suit against the Northern Pacific. The suit was for $25,000.